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To: 'microsoft.atr(a)usdoj.gov'
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Subject: Microsoft Settlement

My name is Mark Lewis, and I am a software engineer at Business Logic, a small software company in Chicago, Illinois.

I do not believe that the proposed final settlement in the Microsoft anti-trust suit is sufficient to stop Microsoft from continuing its monopolistic practices. Specifically, in order to re-establish competition in the operating systems market, it is necessary to publish and document all API's between an application program and the host operating system. Without a requirement that ALL such API's be documented and available, no other operating systems vendor will be able to provide a third-party implementation of these API's, and Microsoft will continue to hold a monopoly in the operating systems market much as it does today.

The Findings of Fact make it clear (paragraph 2) that Microsoft abuses private API's in a monopolistic fashion. The definition of APIs used in the Findings of Fact is effectively the same as the common definition of the term in the software industry, namely, ". . . The interfaces between application programs and the operating system."

However, the definition of the term 'API' in the proposed final judgement is much more limited. It does not include all interfaces between application programs and the host operating system, and therefore the provisions for reasonable and non-discriminatory disclosure of APIs (section III.D) do not sufficiently address the issue. Since Microsoft would not be obligated to release all API's under the terms of the proposed final judgement (speaking of APIs in the sense commonly understood in the software industry), it will be able to continue to maintain its monopoly by releasing private API's under restrictive licenses to only those vendors it chooses.

-- Mark Lewis